IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21728 of 2004

Between:

Talari Subba Rao, S/o. Venkateswara Rao,
R/o. Pedathummidi Village, Bantumilli Mandal, Krishna District.

..... PETITIONER

AND

1 The District Collector, Krishna, Chilakalapudi, Machilipatnam.
2 The revenue Divisional Officer, Gudivada, Krishna District.
3 The Mandal Revenue Officer, Mudinepalli, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue direction particularly in the nature of Writ of Mandamus declaring the Urgent Notice No. RC.386/2004, dated 11.11.2004 as illegal, arbitrary and in violation of principles of natural justice and in violation of Articles 14, 21 and 300 A of the Constitution of India.

Counsel for the Petitioner: MR.V.V.PRABHAKARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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ORAL ORDER:

Challenging the Urgent Notice No.R.C.B.386/2004, dated 11.11.2004 issued by the 3rd respondent, this writ petition is filed.

The 3rd respondent-Mandal Revenue Officer issued Urgent Notice, dated 11.11.2004 to the petitioner directing him to appear before the 3rd respondent on 22.11.2004 at 11.00 A.M and produce title deeds relating to the following Survey Numbers:

Survey Nos. *Extent of land*

1. 833 Ac.1.45 cents

2. 833/2 Ac.1.49 cents

3. 833/3 Ac.1.51 cents

4. 833/4P Ac.0.42 cents

5. 855/1 Ac.2.10 cents

6. 855/2 Ac.0.24 cents

7. 855/3 Ac.0.36 cents

8. 855/6 Ac.1.11 cents

9. 855/7 Ac.0.20 cents

10. 833/4P Ac.1.00 cents

11. 833/5 Ac.2.07 cents

12. 829/1P Ac.2.00 cents

13. 834/15 Ac.1.22 cents

14. 834/16 Ac.1.22 cents

15. 834/17 Ac.1.25 cents

16. 834/18 Ac.1.30 cents

As seen from the impugned urgent notice, the 3rd respondent came to the conclusion that the lands in the aforementioned survey numbers are found to be the lands belonging to the Government. Therefore, he was directed to produce the title deeds in respect of those lands.

The learned counsel for the petitioner has contended that on receipt of the impugned urgent notice, the petitioner appeared before the 3rd respondent on 22.11.2004 at 11.00 A.M., and produced the title deeds, but the 3rd respondent, without verifying them informed the petitioner that he would be evicted from the scheduled lands.

In the circumstances, I am of the considered opinion that a direction can be given to the 3rd respondent to conduct an enquiry within a period of four weeks and pass necessary orders in accordance with law based on the material available on record and by considering the documents that were produced by the petitioners. Till then, the petitioner shall not be evicted if he is in possession of the property.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

(K.C. BHANU, J.)

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Krishna, Chilakalapudi, Machilipatnam.
2. The revenue Divisional Officer, Gudivada, Krishna District.
3. The Mandal Revenue Officer, Mudinepalli, Krishna District.

4. Two CCs to G.P for Revenue, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.